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SUBJECT Senator Bayh Discussing Intelligence Operations

GEORGE HERMAN: Senator, you're Chairman of the Senate Committee, the Select Committee on Intelligence. Is the American intelligence operation in good shape? Should there be changes, either in law or in practice, to strengthen it for the new tensions now showing up between East and West?

SENATOR BIRCH BAYH: Well, I've felt for some time that we should do everything we can to strengthen our intelligence systems. We went through a rather rough period there immediately following Watergate where there was a shakedown, perhaps a little morale problem because of some of the disclosures and some of the personnel changes. But basically, it's my observation that we've got some crackerjack good people in intelligence, that we have an almost unbelievable capacity to find out what's going on in various places of the world.

It's not perfect. Intelligence gathering is not an exact science. And I don't think that we can afford to have anything less than the best intelligence system that's humanly possible to create and develop. That can't be done overnight. We've made significant improvements, but I think there's more that can be done.

NEIL STRAWSER: Why didn't we know what might happen to our hostages in Iran, or what might happen in Afghanistan?

SENATOR BAYH: Well, the two problems are entirely different. We did know, basically, what was going to happen in Afghanistan. At least we knew the Soviets were massing large numbers of troops. We didn't know what was in the head of the tank commanders. But I think any reasonable interpretation would be that they weren't out there in the mountains across

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from Afghanistan on a little picnic. We knew where they'd come from. We knew the numbers. And any information to the contrary is not true.

The CIA did a good job of collecting intelligence. The question is, what do you do about what you think the Russians might have a potential to do? Which is not in the province of the CIA; that's a policymaking decision.

The Iranian question is a much different one. The United States Government made a judgment back at the time of President Nixon and Secretary of State Kissinger that we were going to rely almost solely on the Shah as our surrogate in the Middle East. I don't mean to second-guess that decision. But I think if we analyze where we are and where we've been in intelligence, we cannot ignore the policymaking decision that at the time we were supporting the Shah we made a similar decision that we were not going to undertake any intelligence-gathering activities in the Iranian area that could embarrass us with the Shah. And for that reason, we in essence blindfolded our intelligence capacity there. We said, "Don't infiltrate." And what information that was brought back at the lower level of the intelligence-collection mechanism really wasn't believed and was discounted because our eggs were all in the Shah's basket.

Now, I don't want to second-guess that policy decision. But you can't say to an intelligence organization, even the best one in the world, "Thou shalt not pay any attention to what's going on. You shall not infiltrate groups. We're going to disbelieve anything we hear about our surrogate's weaknesses, because that isn't part of national policy."

And when you do that, it takes a while to catch up. And it's going to take us a while to catch up.

MARYA MCLAUGHLIN: Senator Bayh, getting back to if anything needs to be done, the talk about our intelligence agencies' hands are tied -- more oversight by the Congress? less oversight by the Congress. Does the President have to have all the details of everything that happened?

What do you see as some changes in our control or lack of control over the intelligence-gathering agencies?

SENATOR BAYH: Well, basically, after perhaps a rocky shakedown period, where both the Congress and the intelligence community and the President was getting accustomed to congressional oversight. Prior to that, there had been almost no oversight. There was a committee, but it was more used to saying, "Don't tell me facts," than,...

MCLAUGHLIN: "Don't tell me." Yes.

SENATOR BAYH: "Let me know."

And I think we have to understand that, as far as I'm concerned, it is basic to the constitutional system that we have intelligence oversight. If you're going to undertake intelligence functions that can lead to our sons going to war, then it seems to me the members of Congress, who have a constitutional responsibility of making decisions like that, at least need to know what's going on as far as the first few steps are concerned.

STRAWSER: But do 200 members of Congress need to know?

SENATOR BAYH: I don't think 200 members of Congress need to know. I would support the repeal of Hughes-Ryan. I would support the limitation of this very vital information going to the intelligence communities -- from the intelligence communities to the two Select Committees on Intelligence.

We've had a very good security record. With one minor exception early on in the development of one of the committees, there have been no leaks from the committees. Now, there have been leaks, but they haven't been from those committees. We've had a good relationship. Republicans and Democrats alike, in the House and the Senate, realize that we're talking about the keys to the vault, so to speak, where the family jewels are protected and hidden. And we don't want that kind of secret getting to the Russians.

STRAWSER: You would favor, then, almost immediately cutting back the number of committees that must be notified of covert operations?

SENATOR BAYH: I would cut back to -- I would cut back to a Select Intelligence Committee in the Senate and in the House. I think the chairman and the ranking member of Foreign Relations and Armed Services have a right to know. But that can be handled very easily. I don't think the intelligence community has a problem with that.

I think, going hand-in-hand with that, cutting back on the number is a guaranty that the two committees that are there have complete access to all the necessary information.

Now, we have had that kind of working relationship. I can speak from the Senate's standpoint that our committee has had an excellent communication with the White House, with the CIA, with NSA, and all of our intelligence communities. There have been no communications problem.

But this has been sort of a gentlemen's agreement. And we have seen in the past what can happen when Administrations change. And I would like to get this sort of written into the

law, so that subsequent committees and subsequent Administrations would know that Congress has a right -- those two committees, those very carefully selected committees, carefully screened committees -- information is handled in a much different way there than it is in any other committee -- that those two committees have the complete right to know what actually is happening.

STRAWSER: How soon might this be done?

SENATOR BAYH: I would think that there'd be a good chance of this happening sometime this session.

HERMAN: A little while ago, when we were talking about the information that our intelligence community did have on Afghanistan, you said, "What do you do when you have this information? That's a policymaking decision." And that answer of yours kind of hangs there in the air.

What I need to ask you, I think, at this point is do you think the policies that were decided upon by the Carter Administration when they had this information available to them were the right ones?

SENATOR BAYH: I think so. I have...

HERMAN: If you have the information that the Soviets are massing troops on the Soviet border, which I gather is what you had, does the Carter Administration keep quiet? Does it take certain steps? Did they do the right thing?

SENATOR BAYH: Well, I think it's important not to do anything that can be precipitous, that could maybe cause those troops to come across the border, if they weren't inclined to do that anyhow. I think now, that we look back on it, there's probably very little doubt that this was part of a planned policy. And I don't think there was much of anything we could have done to have kept the Russians from proceeding along the lines of trying to change the government in Afghanistan.